



Development Services Department

January 3, 2011

The Bergman Companies
Attn: Andrew Lurker
4300 Edison Ave
Chino, CA. 91710

Subject: DRC-10-09, IS-10-003, Corner of Third Ave and J Street, APN 573-250-09-00,
10, 37, and 38

Dear Mr. Lurker:

On January 3, 2011, the Zoning Administrator considered and approved the above referenced application. Attached please find the Notice of Decision documenting the Zoning Administrator's action and listing the conditions of approval. Please note Condition I.1 that requires you to sign and return one copy of the notice to acknowledge your acceptance of the conditions of approval.

You have the right to appeal any conditions of approval to the City Council. This office must receive a completed appeal form, along with a deposit amount of \$7,004.00 within 10 days of the date of this letter. Forms are available from the Development Services Department. In the absence of said appeal, the decision of the Zoning Administrator's is final.

If you have any questions or concerns about this matter, please call me at (619) 409-5883.

Sincerely,

Caroline Young
Planning Division
Assistant Planner

Attachment: Notice of Decision

cc: Zoning Administrator



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: January 3, 2011
Applicant: The Bergman Companies/Fresh & Easy Neighborhood Market
Case No.: DRC-10-09
Address: Corner of Third Avenue and J Street
APN 573-250-09-00, 10, 37, & 38
Project Planner: Caroline Young

Notice is hereby given that on January 3, 2011, the Zoning Administrator considered Design Review (DRC) application DRC-10-09, filed by The Bergman Companies ("Applicant"). The Applicant requests Design Review approval to construct a 13,969 square foot Fresh and Easy Neighborhood Market building and 2,048 square foot two-tenant shop building. The Project is located at the corner Third Ave and J Street ("Project Site") and is owned by Fresh & Easy Property Company LLC ("Property Owner"). The Project Site is zoned Corridors District (C-1) within the Urban Core Specific Plan, with a General Plan designation of Commercial Office (CO). The Project is more specifically described as follows:

The Project consists of the construction of a 13,969 square foot Fresh and Easy Neighborhood Market building and 2,048 square foot two-tenant shop building. Both buildings will be one-story attached with the two-tenant shop building located adjacent to a plaza area on the corner of Third Avenue and J Street. The plaza will consist of landscaping, benches, tables and chairs, umbrellas for the pedestrians to enjoy. Other site improvements included a new decorative block wall along the eastern and northern property line, enhanced lighting fixtures throughout the site, and an enhanced sidewalk and public-right-of-way along Third Avenue in accordance with the Urban Core Specific Plan guidelines.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project was adequately covered in previously adopted Final EIR (EIR-06-01), for the Urban Core Specific Plan. No further environmental review or documentation is necessary.

The proposed project is consistent with the development regulations and design guidelines of the Chula Vista Municipal Code, Urban Core Specific Plan, and Landscape Manual. The Zoning Administrator, under the provisions of Section 19.14.582.G of the Chula Vista Municipal Code (CVMC), has conditionally approved the project subject to the following conditions:

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

Development Services Department:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

Date

2. Prior to, or in conjunction with the issuance of the first building permit, pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1624.
3. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9.20.055 regarding graffiti control. The applicant shall remove all graffiti on a regular basis.
4. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
5. The colors and materials specified on the building plans must be consistent with the colors and materials shown on the site plan and materials board available in the Planning Division and date stamped October 20, 2010.
6. The Applicant shall obtain approval of a sign permit for each new sign by the Development Services Department. Signs shall comply with all applicable requirements of the CVMC

7. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved to the satisfaction of the Director of Development Services, prior to the issuance of the building permit.

Engineering Developments Services/Landscape Architecture:

8. Prior to approval of any Engineering entitlement of any building permit, a lot consolidation will be required in order to avoid existing parcel lines beneath proposed structures, and in order to avoid reciprocal easements for access, parking and drainage.
9. Site design shall include features to meet NPDES Standards. These features shall maximize infiltration and minimize impervious land coverage while conveying storm water runoff.
10. Where feasible, storm water runoff from parking areas shall be directed to landscaped areas before discharge to storm drainage systems.
11. The proposed trash enclosure area shall be covered and the site graded in such a way as to prevent run-on into, and run-off from, the trash enclosure area.
12. All on-site stormdrain inlets and catch basins shall be provided with permanent stenciling and signage according to City of Chula Vista Standards to prohibit illegal discharge to the storm drain system.
13. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.
14. All driveways shall conform to the City of Chula Vista's sight distance requirements. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.
15. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
16. The Applicant shall dedicate to the City of Chula Vista two feet (2') right-of way along Third Avenue (Class I Collector) prior to Improvement Plan or Building Permit approval.
17. Any private facilities within public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or building permit approval.

18. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
19. The following fees will be required based on the final building plans submitted:
 - a. Sewer Capacity Fee
 - b. Traffic Signal Fee
 - c. Public Facilities Development Impact Fees (PFDIF)
 - d. Western Transportation Development Impact Fees (WTDIF)
 - e. Other fees as may be applicable
20. Additional deposits and fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
 - a. Grading Plans
 - b. Improvement Plans
21. The Applicant shall obtain a Land Development Permit prior to beginning any earthwork activities at the site and before issuance of Building Permits in accordance with Grading Ordinance No. 1797. Developer shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:
 - a. Grading Plans shall be prepared by a registered civil engineer and approved by the City Engineer.
 - b. Drainage study and geotechnical/soils investigations are required with the first submittal of Grading Plans. The drainage study shall calculate the pre-development and post-development flows and show how downstream properties and storm drain facilities are impacted. Design shall incorporate detention of storm water runoff if post-development flows exceed pre-development flows; analysis shall include flows from 2 yr, 10 yr, 25 yr and 50 yr return frequency storms.
 - c. All onsite drainage facilities shall be private.
 - d. Any offsite work will require Letters of Permission from the property owner(s).
22. The Applicant shall provide 2 copies of the following technical reports with the 1st submittal of grading plans:
 - a. Drainage study
 - b. Water Quality Technical Report (WQTR)
 - c. Geotechnical Report

23. Permanent storm water requirements, including site design, source control, and treatment control Best Management Practices (BMPs), all as shown in the approved WQTR, shall be incorporated into the project design, and shall be shown on the plans. Provide sizing calculations and specifications for each BMP's. Any structural and non-structural BMP requirements that cannot be shown graphically must be either noted or stapled on the plans.
24. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, and any subsequent re-issuances thereof. In accordance with said Permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrent with the commencement of grading activities. The SWPPP shall specify both construction and post-construction structural and non-structural pollution prevention measures. The SWPPP shall also address operation and maintenance of post-construction pollution prevention measures, including short-term and long-term funding sources and the party or parties that will be responsible for the implementation of said measures.
25. A complete and accurate Notice-of-Intent (NOI) must be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that a NOI has been received for this project shall be filed with the City of Chula Vista when received. Further, a copy of the completed NOI from the SWRCB showing the Permit Number for this project shall be filed with the City of Chula Vista when received.
26. The Applicant shall obtain a Construction Permit from the Engineering Division to perform any of the following work in the City's right-of-way prior to obtaining any building permit for the Project:
 - a. Removal and replacement of curb, gutter, and sidewalk per San Diego Regional Standard Drawing SDRSD G-2, and G-7 along the project's frontages on Third Avenue & J Street.
 - b. Installation of driveways meeting City and ADA design standards as shown in Chula Vista Construction Standard detail CVCS-2.
 - c. Removal and replacement of existing pedestrian ramp on the corner of Third avenue & J Street per Chula Vista Construction Standard CVCS-25.
 - d. Relocation of existing utilities, as determined by the City Engineer.
 - e. Replacement of sewer laterals as determined through inspection by Public Works.
 - f. A complete set of Signing and Striping Plans for review by Traffic Engineering.
 - g. A 4-foot wide raised median along Third Ave in front of the project frontage, is required in order to provide for a 10-foot left turn lane per CVD-ST16. The north end of the raised median will continue to be a 4-foot raised median and provide for a 50-foot north-to-west left turn pocket.

27. A striping and signing plan will be required with the improvement plans. The roadway striping will have to be modified along the median area and to the north where it transitions to a double yellow centerline stripe. The striping transition will necessitate the removal of on-street parking along the limits of work. Signage on the median will be required.
28. Additional on-street parking will have to be removed. Signs or red curb prohibiting on-street parking will be required.
29. The proposed lane dimensions with the 4-foot median will be identical to the southside of Third Avenue, per CV Dwg 95-03.
30. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.220 of the Municipal Code.
31. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
32. The Applicant shall abandon the existing easement to access the adjacent parcel to the east and relocate the easement along the northern proposed driveway.
33. Prior to issuance of building permit, the Applicant shall submit a 'landscape documentation package' for approval to the City of Chula Vista that demonstrates that the landscape associated with the project complies with the City of Chula Vista Landscape Water Conservation Ordinance, CVMC Chapter 20.12. The title sheet of the drawings shall contain a signed statement from the landscape architect as follows: "I am familiar with and agree to comply with the requirements for landscape improvement plans as described in Chapter 20.12 of the Municipal Code. I have prepared this plan in compliance with those regulations. I certify that the plan implements the regulations to provide efficient landscape water use."

Fire Department

34. The project will require a fire flow of 3,500 gallons per minute for a 3-hour duration (at 20psi). This fire flow is preliminary and based on Type V-B construction.
35. The Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating that the above-mentioned fire flow is available to serve this project.

36. The Applicant shall provide a water supply analysis to the Chula Vista Fire Department for review and approval. This report shall be a node to node analysis using the Hazen-Williams formula. The analysis shall show that the required fire flow is available at the hydrants and that simultaneously, the sprinkler demand is available at the most demanding sprinkler riser.
37. The Applicant shall provide fire extinguishers located no greater than 300 feet apart. A fire hydrant may be required in the parking lot. The minimum fire hydrant size shall be: 6" x 4" x 2 ½" x 2 ½".
38. Fire Lane signs shall be placed around the property in required lanes and around curbing.
39. The building shall be provided with two Knox appliances.
 - Provide a Knox Vault at the main entrance to the building
 - Provide a Knox Box at the fire control room
40. The building shall be addressed in accordance with the following criteria:
 - 0 – 50 feet from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150 feet from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151 feet from the building to the face of the curb = 16-inches in height with a 2-inch stroke
41. The Applicant shall maintain the trees on the J street side entrance so that there is adequate access at all times.
42. The Chula Vista Fire Dept will require the following prior to delivery of combustible materials on any construction site.
 - Water Supply
 - Access
43. The building shall be protected throughout by an approved automatic fire sprinkler system (NFPA 13, System) and an approved fire alarm system.
44. If there is on site cooking, a Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors.
45. Provide portable fire extinguishers. One 2A:10BC fire rating for every 3000 square feet or 75 feet of travel in any direction.

Environmental Services Division

46. The Applicant shall submit a "Recycling and Solid Waste Management Plan" to the Conservation Coordinator for review and approval as a part of the permit process. The plan shall demonstrate those steps the applicant will take to comply with Municipal Code, including but not limited to Section 8.24, 8.25, and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments. The applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the project. The "Recycling and Solid Waste Management Plan" features should be identified on the building plans.
47. A Construction/Demolition Waste Management Plan is required. The plan shall indicate the steps taken up to manage waste until the final inspection of the building. A performance deposit will be required to be submitted prior to building permit approval.

Transit Division

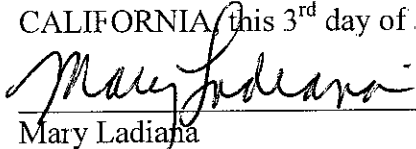
48. The proposed bus shelter along Third Ave shall be reviewed and approved on the Improvement Plans by the Transit Operations Coordinator and constructed by the Applicant. Improvements shall include a bus shelter and a bus bench. All improvements shall meet or exceed ADA standards.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for DRC-10-09, date stamped on October 20, 2010, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.
2. All landscaping and hardscape improvements shall be installed and maintained in accordance with the approved landscape plan.
3. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City ordinances in effect at the time of building permit issuance.
4. This Design Review Permit shall become void and ineffective if not utilized within three (3) year from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.

- 5 The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 3rd day of January 2011.



Mary Ladiana
Zoning Administrator